

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAYMOND MARRERO,

Plaintiff,

vs.

MENARD, INC.,

Defendant.

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CASE NO. \_\_\_\_\_

**NOTICE OF REMOVAL**

COMES NOW Defendant Menard, Inc. (“Menards”) and, pursuant to 28 U.S.C. §§ 1441 and 1446, removes this action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska. Removal is proper on the following grounds:

1. On July 23, 2021, Plaintiff Raymond Marrero, commenced this action in the District Court of Douglas County, Nebraska, Case No. CI 21-7605. Plaintiff is a citizen of Douglas County, Nebraska. Said action is still pending. A copy of Plaintiff's Complaint filed with the Douglas County District Court, the summons issued for Menards, and the proof of service upon Menards are attached hereto as **Exhibit A**.

2. Menards is a corporation organized under the laws of the State of Wisconsin, with its principal place of business in Eau Claire, Wisconsin. Menards is a citizen of the State of Wisconsin.

3. Menards was served with process through its registered agent in the State of Nebraska, on July 29, 2021.

4. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has original diversity jurisdiction over this matter. Under that section, this Court has original diversity jurisdiction over any action

in which (1) the amount in controversy exceeds \$75,000.00, exclusive of interests and costs; and (2) is between citizens of different states.

5. There is diversity of citizenship between Plaintiff, who is a Nebraska citizen, and Menards, which is a citizen of the State of Wisconsin for the purposes of diversity jurisdiction.

6. Plaintiff's Complaint seeks damages in excess of \$1,000,000.00 for alleged personal injuries, including past and future medical expenses, past and future lost wages, and past and future damages for physical and mental pain and suffering, a permanent injury, and a permanent disability. As such the amount in controversy requirement of § 1332(a) is fulfilled.

7. Pursuant to 28 U.S.C. § 1441(a), Menards has removed this action "to the District Court of the United States for the district and division embracing the place where [the State court] action is pending."

8. Pursuant to NECivR 40.1(b), Menards requests that any trial in this matter be held in Omaha, Nebraska.

9. Removal is proper under 28 U.S.C. § 1446 because this notice has been filed within thirty (30) days after receipt of the initial pleadings by Menards on July 29, 2021, and all Defendants who have been properly joined and served with Plaintiff's initial pleadings (i.e., Menards) consent to this removal. See 28 U.S.C. § 1446(b)(1)-(2).

10. A notice of the filing of this Notice of Removal has been filed contemporaneously herewith in the District Court of Douglas County, Nebraska.

11. There are no matters pending in the District Court of Douglas County, Nebraska, that will currently require resolution by this Court.

DATED this 25th day of August, 2021.

MENARD, INC., Defendant

By: /s/ Robert W. Futhey

Robert W. Futhey, #24620

Karson S. Kampfe, #26054

FRASER STRYKER PC LLO

500 Energy Plaza

409 South 17 Street

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(402) 341-6000

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

On the 25th day of August, 2021, I mailed the above document via United States Postal Service postage-prepaid to:

Francis Younes, #24779  
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